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petitioner had offered four mules as security for a loan from the bank, which at maturity was not repaid. By consent of all parties the mules were sold free of all liens for \$468. Thereafter petitioner claimed an exemption of \$300 from the proceeds of the sale. From the quandary as to whether those mules were wearing apparel, household or kitchen furniture, the United States Circuit Court of Appeals delivers us by deciding that the exemption is confined to specific articles, and that petitioner, having waived his right to property without the exception, cannot reclaim it.

Necessity of Saving Human Life Excuses Trespass.—While plaintiff, with his wife and small children, was on Lake Champlain in a loaded sloop, a violent storm arose. Desiring to escape the hazard of the open water, plaintiff moored his boat to defendant's dock. Thereupon defendant's servant cast the boat off. It was caught in the tempest and driven ashore. The occupants were thrown into the water or onto the shore and injured. The cargo was lost. The Supreme Court of Vermont in *Ploof v. Putnam*, 71 Atlantic Reporter, 188, decided that even had the act of mooring the boat been a trespass, it was the duty of defendant to refrain from casting it off until the fury of the gale had abated, as the preservation of human life was of paramount importance. We take the following excellent annotation to this Vermont case from February number of the "Harvard Law Review:—"

Necessity as an Excuse for a Trespass upon Land.—Since the earliest times there have been many well-recognized exceptions to the rule that any unauthorized entry upon the land of another is an actionable trespass. Hence the subjection to excusable entries must be regarded as one of the reasonable burdens of property ownership. The legal justifications for trespasses on land may be roughly divided into three groups: First, where the entry is excused on the ground of implied leave and license.¹ The second division comprises trespasses committed in the administration of justice.² The numerous other circumstances under which trespasses have been excused may be grouped under the head of necessity, public and private.

1. *Ditchman v. Bond*, 3 Camp. 524; *Martin v. Houghton*, 45 Barb. (N. Y.) 258.

2. Entry by officer to make an arrest or attachment. *State v. Smith*, 1 N. H. 346; *Haggerty v. Wilber*, 16 John. (N. Y.) 287. Closely allied are cases of entry by a private individual in the recaption of realty, *Fort Dearborn Lodge v. Klien*, 115 Ill. 177; see *Low v. Elwell*, 121 Mass. 309; or in the recaption of personalty, *Patrick v. Colerick*, 3 M. & W. 483; *Madden v. Brown*, 8 N. Y. App. Div. 454 (the theory of implied license suggested in these cases seems a fiction); or to abate a nuisance, *Amoskeag Co. v. Goodale*, 46 N. H. 53. See *Brown v. Perkins*, 12 Gray (Mass.) 89.